

Revised April 20, 2010

TO: Attorneys/Parties Filing Adversary Complaints

RE: Service of Complaint and Summons

Pursuant to Bankruptcy Rule 7004(a) and F.R.C.P. 4, it is the responsibility of the plaintiff or plaintiff's counsel to promptly serve the summons and a copy of the complaint on defendant(s). To be timely, the summons and a copy of the complaint must be served within fourteen (14) days of issuance of the summons per Bankruptcy Rule 7004(e).

The summons and complaint may be served in a number of ways as prescribed by Bankruptcy Rule 7004 and F.R.C.P. 4. If a summons is not timely served, an 'alias' summons must be requested from the Clerk.

Certification or proof of service by plaintiff or plaintiff's counsel is made by completing the Certificate of Service portion of the original summons.

Judge Whipple has adopted a procedure for issuing the summons on adversary proceedings. The court seal will appear on the summons that has been processed by the clerk's office and placed electronically on the adversary case docket, so you will no longer be receiving one in the mail.

Attorneys should docket the summons, once served, as "Summons Service Executed." This docket code can be found under Adversary — Complaint/Summons — Summons Service Executed.

If you have any questions, or wish to appear telephonically at the pretrial, please do not hesitate to call Barb Laux, Courtroom Deputy, at (419) 213-5610.